

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

2021 AUDI Q7
VIN WA1LJAF74MD018580,

Defendant, *in rem*.

NO. 3:24-MC-00004

**UNOPPOSED MOTION TO EXTEND
TIME TO FILE JUDICIAL FORFEITURE ACTION**

The United States of America— with consent from Claimant Xian Zheng through his attorney, Phillip Linder, and from attorneys for family members, legal guardians, and legal representatives of U.S. citizens killed in Mexico by the Juárez Cartel in 2019 who obtained a \$4.6B judgment against the Cartel in *Miller v. Juárez Cartel*, 1:20-cv-00132 (D.N.D. June 24, 2022) (Juárez Cartel victims)—authorized by 18 U.S.C. § 983(a)(3)(A), moves the Court to extend the time in which the United States is required to file a complaint for civil judicial forfeiture from January 29, 2024, to February 29, 2024, regarding property to which a claim has been filed by the claimant in an administrative forfeiture proceeding with the Drug Enforcement Administration (DEA), and in support states:

1. The seized property in the custody of the DEA is described as:
 - a. 2021 Audi Q7, VIN WA1LJAF74MD018580 (“the property”).

2. On August 8, 2023, DEA task force officers and agents seized the property from Xian Zheng at a residence in Lewisville, Texas.

3. The DEA has sent the written notice of intent to forfeit required by 18 U.S.C. § 983(a)(1)(A) to interested parties.

4. Xian Zheng filed an administrative claim on October 31, 2023.

5. The Juárez Cartel victims filed an administrative claim on November 3, 2023.

6. According to 18 U.S.C. § 983(a)(3), the United States is to file a judicial forfeiture action no later than ninety days after an administrative claim has been filed or return the seized property pending such filing, except that a court may extend the filing period for good cause shown or upon agreement of the parties.

7. Pursuant to 19 U.S.C. §§ 1603–04, the seizing agency transmitted the claim to the United States Attorney’s Office to pursue a judicial forfeiture action against the property.

8. Unless the Court extends the judicial filing deadline for good cause or upon agreement of the parties, the ninety-day period that began with the claim filed by Xian Zheng expires on January 29, 2024.

9. The parties have agreed to extend the time for filing a judicial action to and including February 29, 2024. The United States requests an order of court to extend the time for filing a judicial action to and including February 29, 2024, to allow additional time for the parties to explore an agreed early resolution of this matter.

Conclusion

Therefore, the United States requests an order to extend the filing period for a judicial forfeiture action as to the seized property, 2021 Audi Q7, VIN WA1LJAF74MD018580, to and including February 29, 2024.

Respectfully submitted,

LEIGHA SIMONTON
UNITED STATES ATTORNEY

/s/ John Penn

JOHN PENN
Assistant United States Attorney
Indiana Bar No. 28722-29
1100 Commerce Street, Suite 300
Dallas, Texas 75242
Telephone: 214-659-8600
Facsimile: 214-659-8805
Email: john.penn@usdoj.gov

CERTIFICATE OF CONFERENCE

This is to certify that I have conferred with counsel for Claimant Xian Zheng, Phillip Linder, and understand he is not opposed to the relief sought by this motion. I further understand that counsel for the Juárez Cartel victim claimants, based on an omnibus agreement regarding all their claims filed across multiple jurisdictions on behalf of their clients, are not opposed to the relief sought by this motion.

/s/ John Penn

John Penn
Assistant United States Attorney